

**AN ORDINANCE ADOPTING ZONING REGULATIONS AND
DESIGN GUIDELINES FOR THE LYNNWOOD CITY CENTER,
ADDING A NEW CHAPTER TO TITLE 21 OF THE
LYNNWOOD MUNICIPAL CODE, PROVIDING AN EFFECTIVE DATE
AND PROVIDING FOR SUMMARY PUBLICATION**

WHEREAS, the Lynnwood City Council has adopted a Subarea Plan for the Lynnwood City Center; and

WHEREAS, that Subarea Plan envisions redevelopment of the Lynnwood City Center into a commercial center with a mix of land uses, pedestrian-friendly streets, public and private open spaces and urban densities and intensities of development; and

WHEREAS, the Oversight Committee for this planning effort has recommended new zoning regulations and design guidelines to implement the City Center Subarea Plan; and

WHEREAS, after proper notice, the City Planning Commission held a public hearing to consider adopting the City Center zoning regulations and design guidelines; and

WHEREAS, after due deliberation, the City Planning Commission recommended to the City Council that such guidelines and regulations be adopted; and

WHEREAS, the City Council held a hearing on the proposed regulations and guidelines; and

WHEREAS, after due deliberation the City Council of the City of Lynnwood has determined that it is in the best interests of the City of Lynnwood to take action on the City Center zoning regulations and design guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1: New Section. A new section 21.60.050 is added to LMC Title 21, to read as follows:

21.60.050 Overall Purpose

- To create a distinct, strong identity for the City Center, producing a heart for Lynnwood that is surrounded by solid neighborhoods.
- To provide opportunities to increase the City's tax base, thereby helping to fund public improvements and public services.
- To encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.

- To produce a concentration and a mixture of commercial, office, retail, residential, and civic uses within the City Center.
- To develop a City Center that supports pedestrian movement and use of public transit.
- To implement both the City's Comprehensive Plan and the City Center Sub-Area Plan.
- To promote attractive streetscapes and urban green spaces.

Section 2: New Section. A new section 21.60.075 is added to LMC Title 21, to read as follows:

21.60.075 Relationship to Rest of Title

The regulations in this chapter, together with the applicable regulations in the rest of Title 21 and other Titles of the Lynnwood Municipal Code, shall govern development and use of property in the City Center districts. Where the regulations of this chapter conflict with regulations in other chapters or titles, the regulations in this chapter shall control.

A. Exceptions

The following chapters of this Code shall not apply in the City Center:

1. LMC 21.12
2. LMC 21.14

Section 3: New Section. A new section 21.60.100 is added to LMC Title 21, to read as follows:

21.60.100 Definitions

A. Canopy

A cover over a sidewalk, providing protection from rain, that is constructed of permanent materials. The height shall range between 8 feet and 12 feet, it and shall be a minimum of 6 feet in width.

B. City Center

The land area designated on the official zoning map as a City Center district.

C. Green Roof

A roof designed with principles of environmental sustainability, involving the use of vegetation and storm water collection and cleaning. It may or may not be accessible.

D. Floor Area Ratio

Floor Area Ratio is the amount of floor area within a building as a multiple of the lot area.

E. Parking, Below Grade

Any portion of structure containing parking that is located below the average finished grade around a building.

F. Parking, Structured

Parking contained within an enclosed building, designed to appear like it is part of the larger building complex.

G. Public Art

Any form of painting, mural, mosaic, sculpture, or other work of art, so long as it can be appraised as a work of art and its value as such documented. It must be displayed on the exterior of a building, at or near the pedestrian entrance or on a public plaza.

H. Public Plaza

An open space that is accessible to the public at all times, predominantly open to the sky, and for use principally by people, as opposed to merely a setting for the building. It must abut and be within 3 feet in elevation of a sidewalk, at least 10% of the area shall be planted with trees and other vegetation. There must be seating, lighting and penetration of sunlight.

I. Street Level Retail

Uses providing goods and services, including food and drink, adjacent to, visible from, and accessible from the sidewalk.

J. Water Feature

A fountain, cascade, stream, fall, pond of water, or combination thereof, that serves as a focal point. It must be located outside of a building and be publicly visible and accessible. It must be active during daylight hours.

Section 4: New Section. A new section 21.60.200 is added to LMC Title 21, to read as follows:

21.60.200 Districts Established and Described

A. CC- C City Center Core

This district is envisioned to have the highest intensity uses, especially office buildings, residences, and hotels contained within high-rise buildings. Shops and restaurants would be located along key streets, particularly a principal pedestrian corridor. A major public open space would anchor the district. Over time, parking would be increasingly located within structures. The convention center is planned for the north east corner of this district.

B. CC- W City Center West

This district is envisioned to have a mixture of higher density housing, retail and restaurants, and some office buildings contained within mid-rise buildings. A public open space would anchor the district. Over time, parking would be increasingly found within structures.

C. CC- N City Center North

This district is envisioned to have a mixture of mid-rise office buildings and retail, with a relatively small amount of housing. Parking would largely be on the surface, but over time, some parking may be within structures.

Section 5: New Section. A new section 21.60.300 is added to LMC Title 21, to read as follows:

21.60.300 Use Limitations

All uses shall be allowed in the City Center Districts, unless specifically prohibited below.

A. Prohibited in All City Center Districts:

1. Adult Establishments
2. Billboards
3. Industrial Uses (excluding management, R&D and sales operations)
4. Outdoor Storage or display of materials and equipment (except during construction)
5. Repair of Vehicles, unless entirely within a building
6. Sewage Treatment Plants
7. Work Release Facilities
8. Wrecking Yards
9. Secure Community Transition Facilities
10. Uses not fully contained within a building
11. Any other uses similar to those listed above or any other use determined by the Community Development Director to be inconsistent with the intent of City Center districts as described in this Chapter and the City Center Subarea Plan.

B. Additionally Prohibited in the CC-C City Center Core District (allowed in other districts):

1. Vehicle Washing, unless located within a building or parking structure
2. Drive-Through Businesses, unless located within building or parking structure.
3. Gasoline Service Stations
4. Mini-Storage on the street level.
5. Outdoor Sales of Boats, Vehicles, or Equipment

C. Additionally Prohibited in the portion of the CC-C City Center Core District that is north of 194th St. SW:

1. Multiple Family Residential.

Section 6: New Section. A new section 21.60.400 is added to LMC Title 21, to read as follows:

21.60.400 Basic Development Standards

A. Floor Area Ratio

1. Basic Allowable Floor Area Ratio

The basic floor-area ratio (FAR) of buildings in the City Center shall be limited as shown in Table 21.60.1. The bonuses are described in Paragraph 2 of this Subsection. See also Subsection C.

Table 21.60.1: Floor Area Ratio (FAR)

District	Basic Allowable "As of Right"		Basic Allowable with Bonuses	
	Non-Residential	Residential	Non-Residential	Residential
CC- C	0.5	1.0	8.0	10.0
CC- W	0.5	1.0	3.0	5.0
CC- N	0.5	1.0	3.0	5.0

Notes:

- a. Floor area is measured to the inside face of exterior walls. The following shall be excluded from floor area calculation:
 - Space below grade
 - Space dedicated to parking
 - Mechanical spaces
 - Elevator and stair shafts
 - Lobbies and common spaces, including atriums
 - Space used for any bonus feature (see Table 21.60.2)
- b. Allowable FAR for non-residential and residential uses may be added together within a project, for a combined total.
- c. Hotels shall be considered non-residential for the purpose of this chart.

2. FAR Bonus

The FAR at a property may be increased above the amount permitted "as of right" shown in Table 21.60.1 by including the features listed in Table 21.60.2 into development of the property.

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Feature	Additional Floor Area for each Feature
Street Level Retail	100 sf of floor area for each linear foot of retail frontage
Public Plaza	5 sf of floor area for each sf of plaza
Canopy	4 sf of floor area for each sf of canopy
Public Art	10 sf of floor area for each \$100 of valuation
Water Feature	10 sf of floor area for each \$100 of valuation
Structured Parking	0.5 sf of floor area for each sf of required parking above grade
Below Grade Parking	1 sf of floor area for each sf of required parking below grade
Green Roof	2 sf of floor area for each sf of green roof
Residential Use	2 sf of floor area for each 1 sf of residential
* These uses may be either open to the public or may be open only to residents/employees of the development that enjoys the FAR bonus.	

3. Change of Use and Continuation of Bonus

If a business or activity that supported a FAR bonus under this section is terminated, that use shall either be replaced by another use of the same type (as listed in Table 21.60.2) or by another use that qualifies for an equal (or greater) FAR bonus. Alternatively, the property owner may request approval of a substitute method to qualify for the FAR bonus. Such substitution shall be subject to the approval of the Community Development Director, who shall approve the substitution if he/she finds that the proposed substitution complies with this section and chapter.

B. Building Height

The height of buildings in the City Center shall be limited as shown in Map CC-1.

Notes to Map CC-1:

1. Mechanical penthouses, stair/elevator overruns, and antennae may be excluded from Building Height calculation provided they are no more than 20 feet above the roof deck.
2. Building height may be increased by up to 20% if the top is designed as a non-habitable, architectural element. This allowance does not apply in the Core district where the maximum height is less than 350 feet.
3. The maximum height of any portion of a building lying within 150 feet of a residential district shall be 35 feet.

C. Parking Ratios

Notwithstanding LMC Chapter 21.18, off-street parking shall be provided in conformance with Table 21.60.4 and the regulations in this subsection.

Table 21.60.4: Required Off Street Parking

Use Type	Minimum	Maximum
Retail	3 stalls / 1000 nsf	4 stalls / 1000 nsf
Office	2 stalls / 1000 nsf	4 stalls / 1000 nsf
Residential	.5 stall per unit	3 per unit
Senior Housing	0.25 stall per unit	1 per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats
nsf – net square feet		

Notes:

1. Parking requirements for uses not listed shall be determined by a study of parking demand for that use.
2. Uses sharing a common parking facility may reduce the required number of stalls by 40%.
3. Parking may be located off site, so long as it is within 1000 feet of the property (measured along public sidewalks or walkways), is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the City and Deed of Record at the County.
4. The Community Development Director may allow ratios higher than the maximums allowed if a parking demand study for a particular development indicates that additional parking is needed and a parking demand management program would not be effective.

Section 7: New Section. A new section 21.60.450 is added to LMC Title 21, to read as follows:

21.60.450 Transitional Rules

In the portion of the Core District that is north of 194th St. SW, development of any property that adjoins a property zoned to a single family residential zone shall comply with the transitional buffer regulations in LMC 21.46.220. The minimum building setback from a single-family residential property shall be 25 feet.

Section 8: New Section. A new section 21.60.500 is added to LMC Title 21, to read as follows:

21.60.500 Street Types

Notwithstanding LMC Title 19 and other adopted street standards, development and redevelopment of streets in the City Center shall comply with the following paragraphs:

A. Boulevards

These are the principal arterial streets serving the City Center and connecting it to other parts of the community. They are connected to the regional highway system. While they can be visually pleasing and allow for safe and convenient pedestrian movement, their primary purpose is to move vehicular traffic. Developments along Boulevards exhibit an emphasis on planting more so than retail storefronts.

Standards:

Street: 5-7 travel lanes with left turn restrictions, except at intersections

Sidewalks: 12 feet wide, including 5 foot wide planting zone along curb

Street trees: 30-35 feet on center, minimum of 2" cal

Building line: 5-15 feet from back of sidewalk

B. Pedestrian Streets

These streets accommodate both vehicles and pedestrians, but provide greater accommodations for people. Vehicles move at a relatively slow speed. Sidewalks are very wide, on-street parking is present, and vegetation is emphasized. Pedestrian-oriented street furnishings are also present.

Standards:

Street: 2-3 travel lanes, with left turn restrictions, except at intersections

Sidewalks: 14-16 feet wide, including a 5 foot wide planting zone along curb

Street trees: 25 feet on center, minimum of 3" cal

Building line: locate buildings at back of sidewalk, except for public spaces

Curb cut limitations: 200-foot minimum separation or from intersection

Street furnishings: pedestrian-scaled lighting, seating, waste cans, art

C. Other Streets

These streets serve to break up the super-blocks into smaller increments and to provide for vehicular access to development. They are visually pleasing and speeds and volumes are relatively low.

Standards:

Street: 2-3 travel lanes, on-street parking is present

Sidewalks: 12 feet wide, including a 5 foot wide planning zone along the curb

Street trees: 25-30 feet on center, minimum of 2-inch cal

Section 9: New Section. A new section 21.60.600 is added to LMC Title 21, to read as follows:

21.60.600 Design Review

A. Design Guidelines for Nonresidential Uses.

The following structures and parking facilities permitted in the City Center districts shall comply with Lynnwood City Center Design Guidelines (which are adopted by this reference as if fully set forth herein) and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter: For proposals in these districts, the Citywide Design Guidelines shall be replaced with the City Center Design Guidelines.

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.
3. Construction of any multiple family residential structure.

B. Supersede.

Applicable Lynnwood City Center Design Guidelines shall supersede any development standards and requirements of this title and other titles of this Code that may conflict, unless otherwise specified in this chapter.

C. Gateways and Prominent Intersections.

See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines in the Lynnwood City Center Design Guidelines. If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines.

Section 10: New Section. A new section 21.60.700 is added to LMC Title 21, to read as follows:

21.60.700 Non-Conforming Structures, Sites and Uses

It is expected that much development within the City Center will be as a result of renovations and expansions as much as entirely new development, especially in the years before 2015 or 2020. It is not the intent of the City to discourage such development, as new investment should enhance the image and appeal of the City Center. However, it is also necessary to ensure that all forms of development contribute positively to the character and quality of the area. The general principle to be applied is that changes to non-conforming conditions should not increase the degree of the non-conformity, but rather move the site and its uses and buildings towards greater conformity. Given the location and configuration of current buildings, application of all design standards may not be possible or practical, however, every effort should be made to comply with such standards for the portions of sites and buildings in proximity to the alterations being made. This section supercedes LMC 21.12.

A. Non-Conforming Uses

A relatively small number of land uses have been identified that are determined to not comport with the long term vision for the City Center. Therefore, they are not permitted.

Any such uses legally existing at the time of adoption of this chapter shall be considered “legal non-conforming uses.” Such uses are not permitted to expand. Exterior landscaping, façade improvements, or interior upgrades are permitted.

B. Non-Conforming Sites

Throughout the City Center, there are many properties where site development existing at the adoption of this chapter does not comply with the site design standards and guidelines in this chapter. Certain types of minor changes to existing site development would not trigger compliance with the development standards and design guidelines in this chapter, such as re-striping of stalls, and new or altered signage or lighting or renovation of landscaping. Any other exterior renovation or expansion of building footprints, however, shall incorporate site design features that bring the site more into compliance with the standards.

C. Non-Conforming Buildings

Throughout the City Center, there are many buildings and other structures existing at the adoption of this chapter that do not comply with the building standards and guidelines in this chapter. Expansion or major renovation of such structures shall trigger compliance with both site design and building design standards. Compliance with standards should be localized to the area of the building being altered. Particular emphasis should be given to the provision of pedestrian amenities oriented towards the streets. For example, if a building is expanded towards the street, elements such as parking lot landscaping and pedestrian connections to the sidewalk are expected to be accomplished.

D. Alternative process for compliance

The Community Development Director may approve a plan and design for alteration of a non-conforming site or building that does not fully comply with the requirements of Subsections B and C, above, if the Director finds that the alternative plan and design provides overall a greater degree of compliance with the principle of this section (as stated above).

Section 11: New Section. A new section 21.60.800 is added to LMC Title 21, to read as follows:

21.60.800 Maximum Amount of Development in City Center

In no case shall the total amount of development (including all land uses) in the City Center exceed 9.1 million square feet.

Section 12: Amendment. LMC Section 21.40.100 is revised to include a new Group F, to read as follows:

F. City Center Zones		
Essential Uses	Symbols	Description
Office, retail, service and residential uses	CC-C	City Center – Core
Office, retail, service and residential uses	CC-N	City Center – North End
Residential, retail, office and service uses	CC-W	City Center – West End

Section 13: Amendment. LMC Section 21.40.900 is revised to read as follows:

The city of Lynnwood is divided into 19 use zones which shall be known, in the order of restrictiveness, beginning with the most restrictive, as:

Upon deletion of the Suburban Residential Zone (RS-12), the properties in the zone are to be automatically placed in the adjacent Residential Zone (RS-8)

RS-8 Residential Zone

RS-7 Residential Zone

P-1 Public and Semi-Public Use Zone

RML Low-Density Multiple-Family Zone

RMM Medium-Density Multiple-Family Zone

RMH High-Density Multiple-Family Zone

Upon deletion of the High Rise Multiple-Family Zone (RMHR), the properties in the zone are to be automatically placed in the High Density Multiple-Family Zone (RMH).

B-4 Restricted Business Zone

B-2 Limited Business Zone

Upon deletion of the Highway Services Zone (C-2), the properties in the zone are to be automatically placed in the adjacent Planned Commercial Zone (PCD).

B-3 Neighborhood Business Zone

PCD Planned Commercial Zone

B-1 Community Business Zone

MU Mixed Use/Business Zone

CC-W City Center – West End

CC-N City Center – North End

CC-C City Center – Core

CG General Commercial Zone

PRC Planned Regional Shopping Center Zone

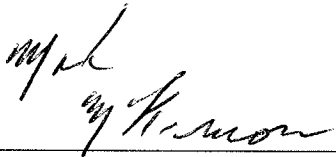
BTP Business and Technical Parks

LI Light Industrial

Section 14: Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 15: Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED THIS 14th day of March, 2005 and signed in authentication of its passage this 15th day of March, 2005.



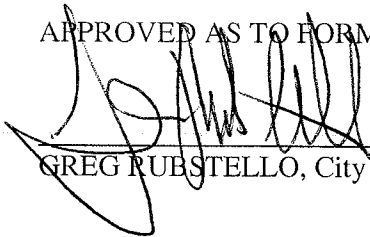
Mike McKinnon, Mayor

ATTEST:



MIKE BAILEY, Finance Director

APPROVED AS TO FORM:







GREG RUBSTELLO, City Attorney

Map CC-1

Building Height Map

Note: maximum heights listed
do not include allowance for
unoccupied architectural features

Legend

-  West End
-  Core
-  North End
-  Minimized Area
- (may be within 150' of single or multiple family zone)

